

**REMARKS/ARGUMENTS**

Claims 1-111 are pending in this Application.

Claims 1-16, 18-26, 28-55, 57-65, 67-91, 93-101, and 103-111 are currently amended. Applicants submit that support for the claim amendments can be found throughout the specification and the drawings.

Claims 1-111 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 1-111 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,980 (hereinafter “Jain”).

**Claim Rejections Under 35 U.S. C. § 103(a)**

Applicants respectfully traverse the rejections to claims 1-111 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Jain. The Office Action alleges that claimed invention is directed to obvious subject matter, in that Jain expressly or impliedly discloses the claimed invention or that a convincing line of reasoning has been presented as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of Jain.

Applicants, however, respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. As reiterated by the Supreme Court in KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries enunciated by the Court are as follows:

(A) Determining the scope and content of the prior art;

(B) Ascertaining the differences between the claimed invention and the prior art;

and

(C) Resolving the level of ordinary skill in the pertinent art.

To reach a proper determination under 35 U.S.C. § 103(a), the Examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in

the art” when the invention was unknown and just before it was made. In view of all factual information, the Examiner must then make a determination whether the claimed invention “as a whole” would have been obvious at that time to that person. (M.P.E.P. § 2142).

Applicants respectfully submit that Jain, either individually or in combination with the alleged factual evidence the Office Action appears to interpret from Jain, fails to disclose one or more of the claim limitations recited in each of claims 1-111. These differences, along with other differences, establish that the subject matter as a whole of claims 1-111 would not have been obvious at the time of invention to a person of ordinary skill in the art.

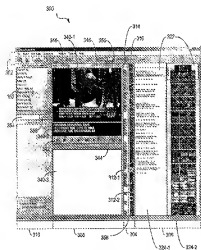
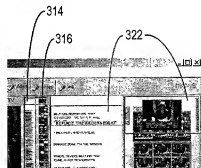


FIG. 3

As depicted in FIG. 3, thumbnail viewing area lens 314 is positioned at the top of second viewing area 304 and emphasizes a top portion (or starting portion) of the multimedia document. The position of thumbnail viewing area lens 314 may be changed by a user by sliding or moving lens 314 along second viewing area 304. For example, in FIG. 3, thumbnail viewing area lens 314 may be moved vertically along second viewing area 304.

As depicted in FIG. 3, the thumbnail viewing area lens 314 covers or emphasizes representations of video information (thumbnails of video frames) and representations of textual information (thumbnails of text) in the viewing area 304. (Emphasis added). Multimedia

In one embodiment discussed in the Application in connection with FIG. 3, a viewing lens or window 314 (hereinafter referred to as “thumbnail viewing area lens 314”) is displayed in second viewing area 304. Thumbnail viewing area lens 314 covers or emphasizes a portion of second viewing area 304. (Emphasis added). Multimedia information corresponding to the area of second viewing area 304 covered by thumbnail viewing area lens 314 is displayed in third viewing area 306. (Application: Paragraphs [74-76]).



information corresponding to the area of viewing area 304 covered by thumbnail viewing area lens 314 is then displayed in viewing area 306. As depicted in FIG. 3, viewing area 306 displays both representations of the video information (thumbnails of video frames) and representations of textual information (thumbnails of text) whose representations are covered by the thumbnail viewing area lens 314 in viewing area 304. Amended claim 1 recites a feature similar to the example above in “displaying, in a first area of the GUI, a first visual representation of the multimedia information stored in the multimedia document, the first visual representation including a first representation of information of a first type stored in the multimedia document and a first representation of information of a second type stored in the multimedia document.”

The Office Action alleges that Jain discloses displaying an image and caption text in panel 172 of Jain corresponding to the display of the representations of the two types of information recited in claim 1. However, where does the alleged text in panel 172 of Jain come from? Jain does not disclose that the alleged caption text in panel 172 is information of a first or second type stored in the multimedia document as recited in amended claim 1. The Office Action further fails to provide any line of reasoning indicating the source of the caption text. The alleged caption text in Jain may be input by the user, which then clearly would be a difference between Jain and claim 1 where information of a first and second type stored in the multimedia document is displayed as recited in amended claim 1.

Amended claim 1 further recites a feature similar to the above example in “displaying, in a second area of the GUI, a second visual representation of the multimedia information stored in the multimedia document based on the first lens covering the first portion of the first visual representation within the first area.” (Emphasis added). As recited in amended claim 1, one representation of multimedia information (i.e., the second visual representation) is displayed within the GUI based on a first lens displayed within the GUI covering a portion of another representation of multimedia information (i.e., the first visual representation) displayed within the GUI. The displayed first lens is positionable over different portions of the first visual representation and covers a portion of the first visual representation. A second visual representation is then displayed in another part of the GUI based on the first visual representation being covered by the first lens. The second representation recited in amended claim 1 includes

representations of information of the first and second type stored in the multimedia document. As discussed above, for example, the thumbnail viewing area lens 314 covers or emphasizes representations of video information (thumbnails of video frames) and representations of textual information (thumbnails of text) in the viewing area 304. (Emphasis added). Multimedia information corresponding to the area of viewing area 304 covered by thumbnail viewing area lens 314 is then displayed in viewing area 306.

Applicants respectfully submit that these are substantial differences between the display of the first lens within a GUI covering one representation of multimedia information as recited in amended claim 1 that is the basis for display of another representation of the multimedia information and what is disclosed for display in Jain. As recited in amended claim 1, the displayed first lens is positionable over a plurality of portions of the first visual representation displayed within the first area of the GUI. For example, referring back to the example in FIG. 3 of the Application, thumbnail viewing area lens 314 covers or emphasizes representations of video information (thumbnails of video frames) and representations of textual information (thumbnails of text) in the viewing area 304.

The Office Action alleges that Jain discloses displaying a first lens as recited in amended claim 1. Applicants respectfully disagree. The Office Action states that an alleged lens “covers frame 172.” The Examiner is incorrect for many reasons, first being that there is no frame 172 because Jain clearly states that a “panel 172 displays live video being digitized, with play, stop, etc. controls that interact remotely with the analog source.” (Jain: Col. 4, lines 26-28). Thus, Jain refers to reference number 172 as a GUI element called a panel rather than a particular frame of video. Jain does not disclose that panel 172 is a visual representation of multimedia information stored in a multimedia document, but may include live video being digitized. Applicants respectfully submit that panel 172 in Jain is a GUI element or an area of the GUI includes other GUI elements, one of which is another GUI element or window for live video being digitized.

The Office Action’s reasoning becomes unclear as to whether the alleged first lens in Jain covers the entire panel 172, or just the smaller area within panel 172 for the display of the live video. The Examiner merely concludes that the alleged lens covers the panel 172, but

does not offer any factual evidence from Jain to identify which displayed GUI element of FIG. 2 of Jain corresponds to the first lens displayed in a first area of a GUI as recited in amended claim 1. Applicants respectfully request the Examiner to identify whether the alleged lens is the panel 172 itself or one of the other displayed GUI elements within panel 172.

Assuming that the Examiner interprets the alleged first lens in Jain to cover the entire panel 172, if the alleged lens in Jain covers the entire panel 172, then the alleged lens must be understood to be positioned over all of a displayed video frame and caption text in the entire panel 172 and thus cannot be reasonably understood to be positionable over a plurality of portions of the displayed video frame and the caption text. Remember, amended claim 1 recites displaying the first lens positionable over a plurality of portions of the first visual representation displayed within the first area of the GUI. The amended claim 1 recites the term “positionable” which is different from the term “positioned.” Therefore, the first lens recited in amended claim 1 is displayed in a first area of the GUI and positionable over the first visual representation displayed within the first area. Referring again back to the example in FIG. 3 of the Application and the associated description, thumbnail viewing area lens 314 is positionable over viewing area 304 to cover or emphasize portions of the representations of video information (thumbnails of video frames) and the representations of textual information (thumbnails of text) displayed within the viewing area 304.

If the alleged lens in Jain is considered to cover less than the entire panel 172, then what is the displayed coverage in Jain? If the lens only allegedly covers the live video displayed in panel 172, then the alleged lens again is positioned over a representation of only one type of information (i.e., the video). Jain does not disclose that a displayed element of the GUI can cover portions of the video in the live video display similar to amended claim 1 that recites that the displayed first lens is positionable to cover a portion of a first visual representation that includes a representation of information of a first type and information of a second type. Thus, the alleged lens in Jain would simply remain over the video frames and never cover any other representations of information of a second type as recited in amended claim 1.

Furthermore, the Examiner states on page 4 that the user in Jain “puts a first lens covering the desired frame 172 by capturing and selecting the desired video clip 172.” Thus, the

Examiner concedes that any alleged lens in Jain would only cover a video frame (i.e., a representation of the live video) displayed in the GUI. Thus, the Examiner has not demonstrated that Jain discloses that the alleged first lens covering panel 172 is displayed and positionable over representations of more than one type of information displayed in panel 172. Again, if the alleged lens covers the entire panel 172, it is not displayed and positionable as recited in amend claim 1, and if the alleged lens covers merely the window of live video being digitized, it is not displayed and positionable as recited in amended claim 1.

The Examiner also emphasizes in the Office Action that “the user input is over the representation of multimedia information displayed in the GUI.” In contrast to putting user input over representations, amended claim 1 recites displaying a first lens over representations of multimedia information. The Office Action then also alleges that “if the user wants to capture a next video clip (like frame 186), the user puts the first lens on the frame 186 by selecting and then displaying this frame in the panel 172.” The Examiner is incorrect first because Jain refers to reference no. 186 as a column (i.e., of a table) that displays an in-time code for a marked frame. Additionally, reference no. 186 forms part of a panel 184 (Jain: Col. 4, lines 33-35), and thus is in a different area of the GUI than the area alleged to be covered by the alleged first lens because the Examiner states the alleged first lens covers frame 172. Thus, the Examiner is incorrect that the alleged lens covers frame 186. Assuming the alleged lens did cover frame 186, that would be further evidence of the differences between Jain and the invention recited in amended claim 1 that the Office Action fails to recognize because the lens had move from a first video frame to a second video frame, rather than from one portion of a representation to another portion of the same representation as the first lens recited in amend claim 1 is positionable.

Finally, the Office Action states that the video keeps moving and moving one video clip frame to another video clip frame. Applicants submit that moving from one frame to the next in Jain changes the display of the live video in panel 172. Thus, as suggested above, the alleged lens covering panel 172 would cover only the representation (e.g., desired frame 172 in the Examiner’s words) of one video frame at one instant and then cover the representation (e.g., frame 186) of another video frame in the next instant. In contrast, the first lens displayed in

amended claim 1 is positionable over a plurality of portions of the same first visual representation displayed within the first area of the GUI.

Accordingly, Applicants respectfully submit that Jain, either individually or in combination with the alleges factual evidence the Office Action appears to interpret from Jain, fails to disclose one or more of the claim limitations recited in claim 1. These differences, along with other difference, establish that the subject matter as a whole of claim 1 would not have been obvious at the time of invention to a person of ordinary skill in the art.

Applicants respectfully submit that independent claims 18, 28, 37-40, 57, 67, 76, 93, and 103 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others which may be discussed below. Applicants respectfully submit that dependent claims 2-17, 19-27, 29-36, 41-56, 58-66, 68-75, 77-92, 94-102, and 104-111 that depend directly and/or indirectly from the independent claims 1, 18, 28, 40, 57, 67, 76, 93, and 103 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons, some of which may be discussed below.

Unless otherwise specified, amendments to the claims are made for the purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof.

While Applicants do not necessarily agree with the prior art rejections set forth in the Office Action, these amendments may be made to expedite issuance of the Application. Applicants reserve the right to pursue claims to subject matter similar to those pending before the present Amendment in co-pending or subsequent applications.

## Claim 2

Amended claim 2 recites wherein displaying the first visual representation in the first area of the GUI comprises displaying a first thumbnail comprising the first representation of the information of the first type and a second thumbnail comprising the first representation of the information of the second type. The Office Action alleges that the information of the second type is caption text. However, Jain fails to disclose displaying thumbnail images of two types of

information in panel 172. Jain fails to disclose a thumbnail image comprising the caption text as recited in amended claim 2.

### **Claim 3**

Amended claim 3 recites wherein displaying the second visual representation of the multimedia information stored in the multimedia document comprises displaying, in a first sub-area of the second area of the GUI, the second representation of the information of the first type as a portion of the first representation of the information of the first type covered by the first lens. The Office Action merely concludes without evidence that it would have been obvious to provide two panels to provide a good and convenient GUI. The Examiner fails to consider that representations are displayed in one panel as portions of representations covered by the first lens display in another panel. "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) M.P.E.P. § 2143.03. Thus, there is a substantial difference between merely providing a good and convenient GUI with two panels as alleged and providing displays of representations of multimedia information in one panel being responsive to a lens covering portions of the display of representations of multimedia information from another panel as recited in claim 3.

### **Claim 5**

Amended claim 5 recites receiving user input moving the first lens over the first visual representation displayed within the first area to cover a second portion of the first visual representation within the first area. The Office Action alleges that Jain disclose the above recited feature in that the user in Jain selects another keyframe of the video in the first display 172 and then display in the second display 176. However, the "another keyframe" would be a different visual representation than the one currently displayed. Amended claim 5 provides the first lens is moved from one portion of the displayed visual representation to another portion of the same displayed visual representation. Jain does not disclose moving the alleged lens from one portion of a frame to cover a second portion the frame displayed in panel 172 as recited the lens is



moved in pending claim 5. Jain fails to disclose receiving user input moving the first lens over the first visual representation displayed within the first area to cover a second portion of the first visual representation within the first area as recited in amended claim 5.

**Claim 6**

Amended claim 6 recites displaying, in the second area of the GUI, a second lens positionable over a plurality of portions of the second visual representation displayed within the second area of the GUI, the second lens covering a first portion of the second visual representation within the second area. The Office Action alleges that panel 176 corresponds to the second area recited in claim 5. The Office Action fails to establish any evidence where Jain disclose displaying a second lens. The Office Action merely acknowledges that Jain fails to teach a third area, and again proposes an unsubstantiated argument about how the user puts an alleged lens over the video frames in panel 172. However, where is the second lens displayed as recited in amended claim 6?

**Claim 18**

Amended claim 18 recites displaying, in a first area of the GUI, a representation of the multimedia information stored by in the multimedia document occurring between a start time ( $t_s$ ) and an end time ( $t_e$ ) associated with the multimedia document, the representation of the multimedia information stored in the multimedia document occurring between  $t_s$  and  $t_e$  comprising a representation of information of a first type stored in the multimedia document occurring between  $t_s$  and  $t_e$  and a representation of information of a second type stored in the multimedia document occurring between  $t_s$  and  $t_e$ , where ( $t_e > t_s$ ). The Office Action fails to identify where Jain discloses the representation of information of a second type stored in the multimedia document occurring between  $t_s$  and  $t_e$ , where ( $t_e > t_s$ ) displayed within the first window. As discussed in regard to claim 1, the Office Action alleges that caption text corresponds to the information of the second type. However, Jain does not disclose that the caption text displayed in panel 172 is also stored in the live video being digitized. Jain fails to

disclose that the caption text stored in the multimedia document is displayed in panel 172 along with the video frame as recited the two types of information are displayed in amended claim 18.

Amended claim 18 further recites a first lens visually emphasizing a portion of the first area of the GUI covered by the first lens. The Office Action alleges that it was well know to display a first lens emphasizing a portion of the first area. However, the Office Action fails to substantiate this conclusion and such substantiation is respectfully requested for this claim and for all others. Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. KSR, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). When making an obviousness rejection, Office personnel must therefore ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied. (M.P.E.P. § 2141(II)).

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/  
Sean F. Parmenter  
Reg. No. 53,437

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
SFP:lls  
61387208 v1